

Local Government Transparency Act

Summary

This Act requires that a unit of local government or school district having an annual budget equal to, or more than, \$500,000 must maintain and post on its website for the current calendar or fiscal year, as the case may be, and the 4 years immediately before that calendar or fiscal year the following information: (i) contact information for elected and appointed officials, (ii) notice of regular and special meetings, (iii) procedures for requesting information from the unit of local government or school district, (iv) annual budget, (v) ordinances under which the unit of local government or school district operates, (vi) procedures to apply for building permits and zoning variances, (vii) financial reports and audits, (viii) information concerning employee compensation, (ix) contracts with lobbying firms, (x) taxes and fees imposed by the unit of local government or school district, (xi) rules governing the award of contracts, (xii) bids and contracts worth \$25,000 or more, (xiii) campaign contributions made by a vendor, and (xiv) searchable expenditure and revenue web site database. This Act also provides that any citizen who is a resident of the unit of local government or school district may bring a mandamus or injunction action to compel the unit of local government or school district to comply with the Internet posting requirements. Limits home rule powers.

{Title, enacting clause, etc.}

Be it enacted by the People of the State of {insert state}:

Section 1. Internet posting requirements.

(A) A unit of local government or school district must post on its website for the current calendar or fiscal year, as the case may be, and the 4 years immediately before that calendar or fiscal year the following information:

- (1) The contact information, including the phone number and e-mail address, for all elected and appointed officials, the Freedom of Information Officer, the chief administrator, and the head administrator for each department.
- (2) The agenda of all regular meetings shall be posted at least seventy-two hours before a meeting. The agenda of all special or emergency meetings shall be posted at least twenty-four hours before a meeting. The posting shall indicate if the agendas are in draft form. The minutes from any regular or special meeting shall be posted within seventy-two hours of approval.
- (3) In accordance with the Freedom of Information Act, the procedure for requesting information from the unit of local government or school district.
- (4) The annual budget ordinances and appropriation ordinances.

(5) The ordinances under which the unit of local government or school district operates as of the effective date of this Act and all such ordinances thereafter adopted.

(6) The procedures required to apply for building permits and zoning variances.

(7) Any budget, financial audit, audit schedule, or special project report, including without limitation the comprehensive annual financial report, performance audits, and reports required in municipal code of {insert state}.

(a) All reports should include the following,

(i) All actual revenues and expenditures for at least the 3 previous fiscal years. Any report focusing on any subset of Total should specify that only partial amounts are shown and identify the Total amount and the nature of items not included in the report.

(ii) Revenues should be broken out by source, including the broad categories of Local, State and Federal tax dollars.

(iii) Expenditures should be separated into current operating, capital and debt service.

(iv) Expenditure summaries for local units of government should reflect the per-resident calculation for comparison to other governmental bodies. For schools, a per-pupil calculation should be made based on full time equivalent enrollment.

(8) A detailed list of the total compensation paid to each employee including wages, salary, overtime, and benefits, including health, dental, life, and pension.

(9) Contracts with lobbying firms hired by the unit of local government or school district. The name and amount of money paid to lobbying associations by the unit of local government or school district.

(10) A detailed list of the taxes and fees imposed by the unit of local government or school district.

(11) The ordinances and rules governing the award of all bids and contracts for purchase in the amount of \$25,000 or more.

(12) All bids and contracts for purchase in the amount of \$25,000 or more.

(13) All campaign contributions made by a vendor to an official of the unit of local government or school district.

(14) Creation of searchable expenditure and revenue web site databases.

(a) No later than one year from the enactment of this legislation, each unit of local government or school district shall develop, maintain, and make publicly available a single, searchable expenditure and revenue web site database that allows the public at no cost to review information concerning moneys collected and expended by the unit of local government or school district.

(b)

(i) The web site database shall include the following data concerning all expenditures made by the unit of local government or school district:

(A) The name and principal location or address of the entity receiving moneys, except that information concerning a payment to an employee of the unit of local government or school district shall identify the individual employee by name and business address or location only;

(B) The amount of expended moneys;

(C) The funding source of the expended moneys;

(D) The date of the expenditure;

(E) The name of the budget program, activity, or category supporting the expenditure;

(F) A description of the purpose for the expenditure; and

(G) To the extent possible, a unique identifier for each expenditure.

(ii) The expenditure data shall be provided in an open structured data format that:

(A) May be downloaded by the user; and

(B) Allows the user to systematically sort, search and access all data.

(iii) The web site database shall contain only information that is a public record or that is not confidential or otherwise protected from public disclosure pursuant to state or federal law.

(c) The unit of local government or school district shall:

- (i) Update the financial data contained on the web site database at least monthly;
- (ii) Archive the financial data, which shall remain accessible and searchable on the web site database;
- (iii) Make the web site database easily accessible from the main page of the unit of local government or school district provider's web site; and
- (iv) Create and make easily accessible an automated Rich Site Summary (RSS) feed to which users of the web site database may subscribe for notification of updates to the web site database.

Section 2.

(A) The information required to be posted under Section 1 must be easily accessible from the unit of local government's or school district's home page and searchable.

(B) The postings required by this act are in addition to any other posting requirements required by law or ordinance.

(C) If a unit of local government or school district fails to comply with this Section, then any citizen who is a resident of the unit of local government or school district may file suit in the circuit court for the county where the unit of local government or school district is located. The citizen may bring a mandamus or injunction action to compel the unit of local government or school district to comply with the requirements set forth in subsection (A). The court may impose any penalty or other sanction as it deems appropriate. The court, in its discretion, may also award to the citizen bringing the action reasonable attorneys' fees and costs.

(D) No home rule unit may adopt posting requirements that are less restrictive than this Section.

Section 3.

Exempt mandate. No reimbursement by the State is required for the implementation of any mandate created by this Act.

Section 4. {Severability clause}

Section 5. {Repealer clause}

Section 6. {Effective Date}

Adopted by the Tax and Fiscal Policy Task Force at the Annual Meeting, August 4, 2011.



COMMON CAUSE
Holding Power Accountable

Comprehensive Legislative Package Opposing the Common Core State Standards Initiative

WHEREAS, high student performance and closing the achievement gap is fundamentally linked to an overall reform of our public education system through a strong system of accountability and transparency built on state standards; and

WHEREAS, the responsibility for the education of each child of this nation primarily lies with parents, supported by locally elected school boards and state governments; and

WHEREAS, in 2009 and 2010, the State was offered the chance to compete for education funding through the “Race to the Top” program created by the U. S. Department of Education (“ED”); and

WHEREAS, the only way to achieve a score in the competition sufficient to qualify for funding was to agree to “participation in a consortium of States that ... [i]s working toward jointly developing and adopting a common set of K-12 standards...”; and

WHEREAS, the only such “common set of K-12 standards” existent at that time, or since, is known as the Common Core State Standards Initiative (“CCSSI”) and was developed without a grant of authority from any state; and

WHEREAS, the CCSSI standards were released in June 2010, and to meet the ED “Race to the Top” requirements the State had only 60 days to evaluate them and agree to adopt them; and

WHEREAS, local education officials, school leaders, teachers, and parents were not included in the discussion, evaluation and preparation of the CCSSI standards that would affect students in this state; and

WHEREAS, citizens had no opportunity to review and comment on the final version of CCSSI standards, and states were not offered an option to modify those standards before their adoption; and

WHEREAS, no empirical evidence indicates that centralized education standards result in higher student achievement; and

WHEREAS, adoption of the CCSSI standards would force several states to lower the rigor and quality of their standards; and

WHEREAS, the National Assessment of Educational Progress national test already exists and allows comparisons of academic achievement to be made across the states, without the necessity of imposing national standards, curricula, or assessments; and

WHEREAS, imposing a set of national standards is likely to lead to the imposition of a national curriculum and national assessment upon the various states, in violation of the

General Education Provisions Act, the Elementary and Secondary Education Act; and the Department of Education Organization Act and

WHEREAS, claims from the Common Core Initiative that the CCSSI standards will not dictate what teachers teach in the classroom are refuted by language in the standards as written; and

WHEREAS, common standards will lessen the ability for local stakeholders to innovate and continue to make improvements over time; and

WHEREAS, when no less than 22 states face budget shortfalls and Race to the Top funding for states is limited, \$350 million for consortia to develop new assessments aligned with the CCSSI standards will not cover the entire cost of overhauling state accountability systems, which includes implementation of standards and testing and associated professional development and curriculum restructuring; and

WHEREAS, special interest groups can manipulate the vulnerability of the centralized decision making that governs common standards and lower the standards' rigor and quality over time to suit their priorities;

Option A (Resolution):

NOW, THEREFORE BE IT RESOLVED THAT the {legislative body} of the state of {name of state} rejects any policies and procedures that would be incumbent on the state based on the Common Core State Standards Initiative.

Option B (Statute):

The State Board of Education may not adopt, and the State Department of Education may not implement, the Common Core State Standards developed by the Common Core State Standards Initiative. Any actions taken to adopt or implement the Common Core State Standards as of the effective date of this section are void ab initio. Neither this nor any other statewide education standards may be adopted or implemented without the approval of the Legislature.

Resolution Opposing Federal Intrusion in State Education Content Standards

WHEREAS, the mission of the American Legislative Exchange Council (“ALEC”) is, in part, to advance Jeffersonian principles, including respect for federalism and the prerogatives of the states; and

WHEREAS, education is inherently a state issue since those closest to students—local schools, districts and states—have always been best equipped to make appropriate educational decisions, including choosing academic content standards; and

WHEREAS, states began working together over a decade ago to identify the knowledge and skills in the foundational subjects of English language arts and mathematics necessary to succeed in college and careers after high school; and

WHEREAS, states had been graduating students from high school who were underprepared for the challenges of the real world and an increasingly competitive global economy where education and innovation are key drivers; and

WHEREAS, states, working with their own higher education and business communities to set high standards for high school completion, found those standards were becoming increasingly common across state lines; and

WHEREAS, 48 states agreed in 2009 to develop a set of internally benchmarked K–12 educational standards known as the Common Core State Standards in English Language Arts and Mathematics that will better prepare students for success in college and careers by giving the academic foundation they need in the core subjects of English and mathematics; and

WHEREAS, this state-led collaborative effort occurred without federal funding, influence or input, utilizing the best standards of the states themselves and those of other countries—producing standards that the Fordham Foundation called “clearly superior to those in place in the vast majority of states;” and

WHEREAS, More than 40 states have since, individually and on their own, chosen to adopt those high standards as their states’ K–12 standards in English and mathematics, each state following its own specific constitutional processes, requirements and prerogatives; and

WHEREAS, It is the responsibility of states, districts and schools to implement their chosen standards. Implementation includes, but is not limited to, choosing curriculum, textbooks and other classroom materials, assessments and professional development. These choices are solely the prerogative of states, districts and schools; and

WHEREAS, Any federal government action, through administrative fiat or congressional act, to dictate or prescribe a particular set of academic content standards—

or to dictate how such standards are implemented—is an intrusion into the states’ long-established rights and responsibilities to deliver K–12 education which violates fundamental principles of federalism; therefore

BE IT RESOLVED, that ALEC vigorously opposes any effort by the federal government to deny the authority of any state to set its own education academic content standards or to attempt to overturn decisions made duly by a state regarding any education standards deemed by the constitutionally-designated authorities in that state to be in the best interest of that state’s children.



COMMON CAUSE
Holding Power Accountable

The Founding Philosophy and Principles Act

Summary

Whereas, the survival of the Republic requires that our nation's children, the future guardians of its heritage and participants in its governance, have a clear understanding of the Founding Philosophy and the Founding Principles of our government for a free people, which are found in the Declaration of Independence, the United States Constitution, the Federalist Papers and the writings of the Founders, and an understanding of their preservation; Now, therefore, The General Assembly of [Insert State] enacts:

Model Legislation

Section 1. The act shall be known as "The Founding Philosophy and Principles Act."

Section 2. {Civic Literacy}

(A) Local boards of education shall require during the high school years the teaching of a semester course that focuses on the following:

(1) America's Founding Philosophy, to include at least the following:

- (a) The Creator-endowed inalienable rights of the people.
- (b) The purpose of government is to protect the inalienable rights of the people and to protect people from violence and fraud.
- (c) Structure of government, separation of powers, checks and balances.
- (d) Rule of law with frequent and free elections in a representative government.

(2) America's Founding Principles to include at the least the following:

- (a) Federalism, government as close to the people as possible.
- (b) Bill of Rights guaranteed freedoms of speech, press, religion, and peaceful assembly.
- (c) Private property rights and freedom of individual enterprise.

(d) Innocent of any crime until proven guilty, with rights of habeas corpus, no unreasonable searches, no cruel or unreasonable punishment, and the right to a speedy trial by a jury of peers.

(e) A virtuous and moral people, educated in the philosophy and principles of government for a free people.

(f) Constitutional limitations on government power to tax and spend and prompt payment of public debt.

(g) Money with intrinsic value.

(h) Right of people to keep and bear arms, strong defense capability, supremacy of civil authority over military.

(i) Peace, commerce and honest friendship with all nations, entangling alliances with none.

(j) Eternal vigilance by “We the People.”

(B) A passing grade in the course shall be required for graduation from high school.

(C) The State Board of Education shall require that any high school level curriculum-based tests developed and administered statewide beginning with the 2014-2015 academic year include questions related to the philosophical foundation of our form of government and the principles underlying the Declaration of Independence, the United States Constitution and the most important of the Federalist Papers.

(D) The Department of Public Instruction and the local boards of education, as appropriate, shall provide or cause to be provided curriculum content for the semester course required in subdivision (1) of this subsection and the teacher training to ensure that the intent and provisions of this subsection are carried out.

(E) The Department of Public Instruction shall submit a biennial report by October 15 of each odd-numbered year to the Joint Legislative Education Oversight Committee covering the implementation of this subsection.

Section 3. {Severability clause}

Section 4. {Repealer clause}

Section 5. {Effective date.} This act is effective when it becomes law and applies beginning with 2014-2015 school year.

Higher Education Capital Projects Transparency Act

Summary

The Higher Education Capital Projects Transparency Act requires a public institution of higher education to develop and promulgate procedures for maximum utilization of existing facilities, to make data on the average weekly usage of classrooms and laboratories available on its website in a format clearly comprehensible to the public, and to hold public discussion of each proposed capital construction project exceeding \$10,000,000 in total cost, including, but not limited to, evaluation of utilization of existing campus instructional buildings for a period not less than the three years preceding the construction proposal.

Model Legislation

Section 1. {Building Utilization Data.}

(A) Each institution of public higher education, shall post on its website annual data on the utilization of classroom and laboratory facilities during regular academic terms.

(B) Such data will include, but not be limited to:

- (1) average weekly number of hours of instructional usage of all campus classrooms
- (2) average number of hours of instructional usage of all campus classrooms, reported by day of the week and time of day
- (3) average weekly hours of usage for instruction of all campus laboratories
- (4) average number of hours of instructional usage of all campus laboratories, reported by day of the week and time of day
- (5) average percentage of seats filled in all classes taught in campus classrooms
- (6) average percentage of laboratory stations used in campus laboratory sections

Section 2. {Public Discussion of Proposed Capital Projects.}

(A) For all proposed campus capital construction projects exceeding \$10,000,000 in total cost, the governing board of a public university shall hold public discussion either at a regular meeting of its governing board or in a specially-convened public meeting. Such discussion shall proceed irrespective of the source of funding.

(B) Public discussion of proposed campus capital construction projects exceeding \$10,000,000 will include, but not be limited to:

- (1) Review of utilization of existing campus instructional buildings over a period not less than the three years preceding the construction proposal.
- (2) Review of projected maintenance costs for the proposed building.
- (3) Funding sources for the proposed building.

Section 3. {Reporting Requirements.}

(A) Not later than January 1 of each odd-numbered year, each institution of higher education shall submit a written report regarding the institution's compliance with this section to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over higher education.

(B) As applicable, the [state] Coordinating Board may adopt rules necessary to administer this section.

Section 4. {Severability clause}

Section 5. {Repealer clause}

Section 6. {Effective date}

Drafting Note: The requirement to develop procedures for maximum utilization of existing facilities is modeled after Utah State Code Title 53B, Chapter 6, Section 101.

Academic Accountability in Higher Education Act

Summary

The Academic Accountability in Higher Education Act requires all four-year institution of higher education that receive state funding, including, but not limited to funding for operating expenses, student financial aid, or capital projects to assess annually student learning gains in core collegiate skills and to make the results of this and related academic assessments prominently available on its website.

Model Legislation

Section 1. {Annual Assessment of Core Collegiate Skills}

(A) Each institution of public higher education or private institution that receives state funding for student financial aid and/or capital building projects, shall annually assess the level of student learning gains in core collegiate skills.

(B) Institutions will assess core collegiate skills with their choice of one or more of the three standardized, nationally-normed instruments now widely in use. These are Collegiate Learning Assessment, administered by the Council on Aid to Education; the Collegiate Assessment of Academic Proficiency, administered by ACT, Inc.; the Proficiency Profile, administered by Educational Testing Services, Inc.

(C) Institutions have the option to choose a longitudinal assessment system to follow a group of students from freshman through senior status or test randomly selected cohorts of students of statistically meaningful size, in accordance with guidance from the testing companies.

(D) Institutions have the option to choose the subject modules appropriate for academic goals, except that all institutions must administer as part of general education assessment, value-added assessment of writing skills.

(E) Institutions will be responsible for appropriate administration of the assessment, including, but not limited to, ensuring that an appropriate number of students take the assessment and provide valid results.

Section 2. {Public Disclosure of Assessment Results}

(A) Each institution of public higher education or private institution that receives state funding for student financial aid and/or capital building projects, shall report the following results for student learning gains in core collegiate skills annually on its website:

(1) Average freshman score on an assessment instrument testing core collegiate skills.

(2) Average rising junior or senior score on the same assessment instrument for core collegiate skills used to test the freshman cohort.

(3) Comparison of the student learning gains in core collegiate skills with the predicted learning gains of students with similar academic profile.

(B) Each institution of public higher education or private institution that receives state funding for student financial aid and/or capital building projects, shall report annually on its website the number of students who took professional licensure examinations and, when more than ten students received scores for an examination, the percentage of students who passed these examinations, along with the average score received.

Section 3. {Severability clause}

Section 4. {Repealer clause}

Section 5. {Effective date}

Substantive Transparency in Education Act

Summary

The Substantive Transparency in Education Act requires each public school to make available to parents all current textbooks, curricula, instructional materials, and instructional programs for inspection by any parent or guardian of a child enrolled in that school.

Model Legislation

Section 1. {Definitions.} For the purposes of this Act:

(A) “Department” means the Department of Education.

(B) “Product” means an original, updated, or revised textbook, curriculum, instructional material, or instructional program.

Section 2.

A school of this State shall keep during regular business hours a set of products available in print for inspection for any parent or guardian of a child enrolled in that school. With respect to any digital product, a school shall instruct parents or guardians of children enrolled in the school how to access these materials and, if necessary, shall make a school computer available to parents or guardians for that purpose during regular business hours.

Section 3. {Severability clause.}

Section 4. {Repealer clause.}

Section 5. {Effective date.} This Act takes effect immediately.

